

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C.

Plaintiff,

v.

BATH & BODY WORKS, INC.; LIMITED  
BRANDS, INC.; KAO BRANDS CO.  
(f/k/a THE ANDREW JERGENS  
COMPANY); and KAO CORPORATION

Defendants.

Civil Action No. 04-1507-SLR

**LP MATTHEWS' MOTION FOR SUMMARY JUDGMENT OF  
INFRINGEMENT BY THE LIMITED DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 56 and the Local Rules of this Court, Plaintiff LP Matthews, L.L.C. moves for summary judgment that the Limited defendants infringe LP Matthews' U.S. Patent No. 5,063,062 ("the '062 patent"). The Limited defendants admit that their accused products meet each claim element of one or both of the asserted claims of the '062 patent. Applying LP Matthews' proposed claim construction, each of the Limited defendants' accused products indisputably meet every element of the asserted claims. Under either LP Matthews' or the Limited defendants' proposed claim constructions, partial summary judgment on one or more claim elements will reduce the issues for trial.

ASHBY & GEDDES

*/s/ Tiffany Geyer Lydon*

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Dated: July 6, 2006

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of July, 2006, the attached **LP MATTHEWS' MOTION FOR SUMMARY JUDGMENT OF INFRINGEMENT BY THE LIMITED DEFENDANTS** was served upon the below-named counsel of record at the address and in the manner indicated:

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